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**From:** Wu, Jennifer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=885E149E9BDD4094BF34508D7454CDFA-WU, JENNIFER]  
**Sent:** 10/2/2018 10:22:03 PM  
**To:** Burgess, Karen [Burgess.Karen@epa.gov]  
**Subject:** RE: Most recent 316(b) language for Grand Coulee Dam

Not at all – I was aware of these interim milestones, so knew there was some kind of compliance schedule that was allowed. But what I had in the original write-up Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) which I think squares well. The permit you sent was very helpful and knowing there are other permits out there with 316(b) in Washington is also really helpful.

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**From:** Burgess, Karen  
**Sent:** Tuesday, October 02, 2018 3:20 PM  
**To:** Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Subject:** RE: Most recent 316(b) language for Grand Coulee Dam

Jenny, I feel I may have lead you astray earlier today. The rule actually allows for interim BTA and compliance milestones w.r.t BTA

125.94

(b) Compliance with BTA standards. (1) Aligning compliance deadlines for impingement mortality and entrainment requirements. After issuance of a final permit that establishes the entrainment requirements under §125.94(d), the owner or operator of an existing facility must comply with the impingement mortality standard in §125.94(c) as soon as practicable. The Director may establish interim compliance milestones in the permit.

(2) After issuance of a final permit establishing the entrainment requirements under §125.94(d), the owner or operator of an existing facility must comply with the entrainment standard as soon as practicable, based on a schedule of requirements established by the Director. The Director may establish interim compliance milestones in the permit.

(h) *Interim BTA requirements.* An owner or operator of a facility may be subject to interim BTA requirements established by the Director in the permit on a site-specific basis.

125.98

(c) *Compliance schedule.* When the Director establishes a schedule of requirements under §125.94(b), the schedule must provide for compliance with §125.94(c) and (d) as soon as practicable. When establishing a schedule for electric power generating facilities, the Director should consider measures to maintain adequate energy reliability and necessary grid reserve capacity during any facility outage. These may include establishing a staggered schedule for multiple facilities serving the same localities. The Director may confer with independent system operators and state public utility regulatory agencies when establishing a schedule for electric power generating facilities. The Director may determine that extenuating circumstances (e.g., lengthy scheduled outages, future production schedules) warrant establishing a different compliance date for any manufacturing facility.

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**From:** Wu, Jennifer  
**Sent:** Tuesday, October 02, 2018 1:47 PM  
**To:** Ramach, Sean <[Ramach.Sean@epa.gov](mailto:Ramach.Sean@epa.gov)>; Burgess, Karen <[Burgess.Karen@epa.gov](mailto:Burgess.Karen@epa.gov)>  
**Subject:** Most recent 316(b) language for Grand Coulee Dam

Hi Sean and Karen, thanks for the feedback and information on 316(b). Attached above is the language for the Grand Coulee Dam (FS – p. 34-38; permit – p. 14-17). I will be going out for draft 401 cert by Friday.

Also, Sean, can you refer me to the court case that compliance schedules are allowed for the 316(b) BTA? I'd like to include this in the Fact Sheet before I go out for public comment.

Thanks!

Jenny Wu

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